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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 28 AM 9:48

UNITED STATES OF AMERICA,

Plaintiff,

v.

Wallace VANDERWERF, II

Defendant.

Magistrate Case No. 07 MJ 2765

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: CP

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section

1324(a)(2)(B)(iii)-

Bringing in Illegal Alien(s)

Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 26, 2007**, within the Southern District of California, defendant **Wallace VANDERWERF, II**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Socorro Elena NAVARRO-Alcantar**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

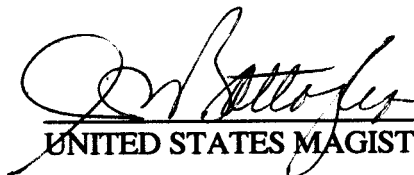


SIGNATURE OF COMPLAINANT

Mario Avila, United States Customs

and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28TH** DAY OF
NOVEMBER, 2007.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Socorro Elena NAVARRO-Alcantar** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial thereof by subpoena; and she is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On November 26, 2007 at about 2035 hours **Wallace Newton VANDERWERF, II (Defendant)** applied for entry into the United States from Mexico through the San Ysidro Port of Entry as the driver and sole visible occupant of a blue 1983 Oldsmobile Firenza. Defendant was approached by Customs and Border Protection (CBP) Officers conducting pre-primary roving operations. Defendant gave a negative Customs declaration to a CBP Officer and presented his State of California driver license as proof of identity. Defendant stated he was going to San Diego, California. Defendant stated he was driving his boss's vehicle. When asked as to his employment, Defendant stated he was unemployed and homeless. A CBP Officer noticed the rear seat appeared to be raised and conducted a cursory inspection of the area. The CBP Officer discovered an individual concealed underneath the rear seat. Defendant was handcuffed and escorted to the security office. A CBP Officer drove the vehicle into the secondary lot for further inspection.

In secondary, A CBP Enforcement Officer pulled the rear seat forward and observed a person concealed in the gas tank area of the vehicle. The CBP Enforcement Officer removed the rear seat cushion of the vehicle and attempted to pull the backrest cushion off the frame but was unsuccessful. The CBP Enforcement Officer had to pull the backrest from the bottom up to free it from the frame. The CBP Enforcement Officer held the backrest cushion up to allow the concealed person to exit the compartment. A Hispanic female exited the compartment. The female was identified as **Socorro Elena NAVARRO-Alcantar**, a citizen of Mexico without entitlements to enter or reside in the United States. **Socorro Elena NAVARRO-Alcantar** is now identified as the Material Witness (MW) in the case.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted an unknown woman in San Diego, California provided him with an opportunity to make money for alien smuggling. Defendant admitted the unknown woman took him to a house in Tijuana, Mexico. Defendant admitted he was provided with the vehicle used in the smuggling act and was told an alien would be concealed behind the rear seat. Defendant admitted he was to drive the vehicle to a grocery store in Chula Vista, California and deliver the alien to an unknown man. Defendant stated he was to drive back to Tijuana, Mexico and meet another unknown man, deliver the vehicle and receive \$1000.00 (USD) for the smuggling act.

During a videotaped interview, MW admitted she is a citizen of Mexico without entitlements to enter or reside in the United States. MW stated she was to pay \$2000.00 (USD) to be smuggled into the United States. MW stated she was going to be taken to Los Angeles, California. MW stated her daughter was to pick her up in Los Angeles, California and take her to San Francisco. MW stated she intended to establish residence in the United States.